IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

MONDAY, THE 26TH NOVEMBER 2007 / 5TH AGRAHAYANA 1929

WP(C).No. 34816 of 2007(T)

PETITIONER:

KALAVATHY M.S., U.D.CLERK, OFFICE OF
THE SUB REGISTRAR, ERNAKULAM.

BY ADV. SMT.P.V.ASHA

RESPONDENTS:

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1. STATE OF KERALA REPRESENTED BY
SECRETARY TO GOVERNMENT, DEPARTMENT OF TAXES,
SECRETARIAT, THIRUVANANTHAPURAM.

2. INSPECTOR GENERAL OF REGISTRATION,
THIURVANANTHAPURAM.

3. THE DISTRICT REGISTRAR GENERAL,
ERNAKULAM.

4. THE SUB REGISTRAR, ERNAKULAM.

BY GOVT. PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

V.GIRI,J.

W.P (C) No. 34816 of 2007

Dated this the 26th November, 2007

J U D G M E N T

Petitioner, who is working as U.D.Clerk in the office of the Sub Registrar, Ernakulam was appointed under Exhibit-P1 Order in which her date of birth is shown as 2.12.1952 consistent with the date of birth in the S.S.L.C. Book which is given in Exhibit-P2. In terms of Rule 60 of the KS.R., a person whose date of birth is 2nd of a month completes the age of 55 on the afternoon of the previous day. In terms of 60A, it enables him to continue upto the last date of the month which in the case of the petitioner is 31.12.2007. By a clerical mistake, the date of birth of the petitioner was entered as 1.12.1952 in the service book. This was noticed by the petitioner only when she wanted pension papers to be processed. Request was made in this regard to the Head of the Department and it was rejected under Exhibits P5 and P7 on the premise that what is required by the petitioner is a correction of the date of birth in her service book. This requires orders from the Government.

2. After having seen Exhibits P1 and P3, I am of the view that what seems to have taken place in the case of the petitioner is quite unusual. It is a clerical error which might

have happened at the hands of the person who made an entry in the service book when she joined service. What is sought for by the petitioner is not a correction of her date of birth. Even in Exhibit-P1 appointment order the date of birth is correctly shown and the same is consistent with Exhibit-P2 S.S.LC. Book. What is required is the correction of typographical error which could be done by the Government.

3. In the result, the petitioner may file a representation before the Government pointing out these aspects within a period of three weeks from today. If so, the 1st respondent shall de hors Exhibits P5 and P7 take a decision thereon in the light of the observations made above, within one month thereafter. The petitioner shall be permitted to continue in service till a decision is taken on the representation by the Government or till 31.12.2007, whichever is earlier. It is made clear that petitioner's request need only be treated as a request for correction of a typographical error .

(V.GIRI, JUDGE)

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K.THANKAPPAN,J

CRL.A. NO.92 OF 1999

ORDER

25th May, 2007